

# YOUTH SERVICES POLICY

<b>Title:</b> Separation for Unscheduled Absences <b>Next Annual Review Date:</b> 07/21/2012	<b>Type:</b> A. Administrative <b>Sub Type:</b> 2. Personnel <b>Number:</b> A.2.37
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<b>References:</b> Civil Service Rules 6.5(c), 11.18(b), 12.6 (a) 2, 17.23(e), 22.4(d), 23.13(b), and 23.16 (a) 4; YS Policies A.2.1 "Employee Manual", A.2.6, "Requirement of Physician's Certification of Sick Leave Usage", and A.2.47 "Equal Employment Opportunity"	
<b>STATUS: Approved</b>	
<b>Approved By:</b> Mary L. Livers, Deputy Secretary	<b>Date of Approval:</b> 07/21/2011

## I. AUTHORITY:

Deputy Secretary of Youth Services as contained in La. R.S. 36:405 and Civil Service Rule No. 12.6 (a) 2. Deviation from this policy must be approved by the Deputy Secretary.

## II. PURPOSE:

This policy is intended to: 1) encourage responsible leave usage by employees; 2) improve employee morale by reducing the negative effects of absenteeism on co-workers who often perform the duties of absent employees; and 3) improve services to the public and our clients by increasing productivity and availability.

## III. APPLICABILITY:

All employees of Youth Services (YS). It is the responsibility of each Unit Head to ensure that written procedures are in place for the proper management and administration of this policy, so that the provisions of the policy can be implemented when unscheduled absences become a problem for the operation of that Unit.

## IV. DEFINITIONS:

**Appointing Authority** - Deputy Secretary.

**Minimum Period of Absence** - A period of leave of no less than fifteen (15) consecutive minutes that may be designated as an unapproved absence.

**Unit Head** - Deputy Secretary, Facility Directors and Regional Managers.

**Unscheduled Absence** - Absence from work for which the employee did not obtain verbal or written approval by close of business on the employee's last regular workday prior to being absent. One unscheduled absence may be any increment of a workday for which leave must be obtained, one entire workday, or a continuous period of absence for the same reason, regardless of its duration.

**Workday** - Any day an employee is scheduled to work.

**YS Central Office** - Offices of the Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Deputy Undersecretary, Deputy Assistant Secretaries and their support staff .

**V. POLICY:**

It is the policy of Youth Services that employees make every effort to secure leave in advance. An employee may be non-disciplinarily removed based on Civil Service Rule 12.6 (a) 2, "Non-disciplinary Removals", which states:

"12.6 Non-disciplinary Removals"

- \_\_\_\_(a) An employee may be non-disciplinarily removed under the following circumstances:
2. When, after the employee has been given written notice that his attendance requires improvement and copy of this rule, an employee has seven or more unscheduled absences during any consecutive twenty-six week period. The employee shall also be given written notice each time he incurs a sixth unscheduled absence during a consecutive twenty-six week period. An unscheduled absence occurs when an employee is absent from work without having obtained approved leave prior to the absence. Approval of leave, after the fact, to cover an unscheduled absence shall not prevent the absence from being considered unscheduled. A continuous absence for the same reason is one unscheduled absence, regardless of its duration.
  - (b) When an employee is removed under this Rule, the adverse consequences of Rules 6.5 (c); 22.4 (d); 23.16 (a) 4; 23.13(b); 11.18 (b) and 17.23(e) 4 shall not apply.

**ADVERSE CIVIL SERVICE CONSEQUENCES**

When an employee is removed under this rule, the adverse consequences of Civil Service Rules 6.5(c); 7.5(a)7; 8.6(d); 8.13(a)7; 8.15(d); 8.18(d) and (e); 11.18(b); and 17.25(e)4 shall not apply.

**LEAVE WITHOUT PAY**

Although the Rule permits the approval of leave "after the fact," supervisors retain the right to place an employee on unauthorized leave without pay for any unscheduled absence for which the employee did not obtain prior approval. This includes the denial of approval for annual leave.

**DISCIPLINARY ACTION**

Use of this policy does not prohibit supervisors from recommending appropriate disciplinary action for unauthorized absences if such action is deemed appropriate.

**VI. PROCEDURES:**

- A. The procedures outlined below must be followed prior to removing an employee under Civil Service Rule 12.6(a)2:

**1. INITIAL WRITTEN NOTIFICATION**

- a. In order to initiate an action pursuant to this policy and Civil Service Rule, the immediate supervisor must give the employee written notification regarding his/her unsatisfactory attendance and a copy of this policy, YS Policy A.2.37. The notification must clearly state that any subsequent unscheduled absences may be counted towards non-disciplinary removal under 12.6(a)2.
- b. The employee shall acknowledge receipt of the notice by signing and dating the written notification. No absence shall count for the purpose of this policy until the employee has been given written notice. [See A.2.37(a) "Written Notice that Attendance Needs Improvement".]

**2. UNSCHEDULED ABSENCES NOTIFICATION/DOCUMENTATION**

- a. For each subsequent unscheduled absence, the supervisor shall notify the employee that the absence will be counted as unscheduled, and how many unscheduled absences have been counted to that point. No absences shall count for the purpose of this policy without written notification to the employee that the absence is unscheduled, which may be done electronically or in writing. Supervisors may apply any appropriate record-keeping method to provide notification. For example, rather than electronic notification, a supervisor may document and maintain a written history of unscheduled absences, including the employee's name, date of absence, type of leave charged, and date the employee was advised that the absence was considered unscheduled. The supporting documentation for this kind of record would be a paper leave slip designated "unscheduled" by the supervisor, and initialed and dated by the employee.
- b. All notices must include the date, time, reason, and current total of unscheduled absences.
- c. Supervisors shall maintain sufficient documentation of the notices. If proper documentation is not maintained for an unscheduled absence, it may not be used to take an action in accordance with this policy.
- d. When the employee reaches his/her sixth (6<sup>th</sup>) unscheduled absence in a 26 week period, the supervisor shall provide him/her with an official written notice. Due to the impact of this absence, it is imperative that the employee receive and acknowledge formal notification that an additional unscheduled absence may result in termination. [See A.2.37(b) "Written Notice of Sixth (6<sup>th</sup>) Unscheduled Absences".]

- e. Supervisors shall provide their section head with a copy of the sixth (6th) unscheduled absence notification.

NOTE: Refusal to sign any notice shall not prevent an absence from being counted towards removal.

**3. DISMISSAL PROCESS**

In the event an employee accumulates seven (7) or more unscheduled absences during any consecutive 26 week period after the required notices, the employee is subject to non-disciplinary removal at the discretion of the appointing authority. The supervisor shall notify his/her section head when an employee accumulates his/her seventh (7th) unscheduled absence to determine what action shall be taken.

**4. EXPIRATION OF RULE APPLICATION**

When an employee for whom this policy has been invoked attains an attendance record of twenty-six weeks without an unscheduled absence, he shall no longer be "under the rule" of unscheduled absences. After that time, should his attendance need improving or he meets the requirements of VI.C. above, in order for this rule to be invoked again, he must be given written notice [A.2.37(a)] again, and all of the requirements thereafter must be fulfilled before non-disciplinary separation under this rule can occur.

**VII. EXCEPTIONS:**

- A. Leave that is approved under the provisions of YS Policies A.2.5 "Family and Medical Leave of Absence" and A.2.47 "Equal Employee Opportunity" will not count as an unscheduled absence.
- B. The Deputy Secretary may grant exceptions to this policy when to do so is in the best interest of the agency.

**Previous Regulation/Policy Number:** A.2.37

**Previous Effective Date:** 05/26/2009



**Attachments/References:** A.2.37 (a) Written Notice that Attendance Needs Improvement July 2011.docx



A.2.37 (b) Written Notice of Six Unscheduled Absences July 2011.docx



A.2.37 (c) Receipt - July 2011.docx